



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,557	08/09/2001	Anand Narasimhan	0002045.0001	5774

7590

01/30/2003

Alex Chartove
MORRISON & FOERSTER LLP
1650 Tysons Boulevard
Suite 300
McLean, VA 22102

EXAMINER

ENG, GEORGE

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,557

Applicant(s)

NARASIMHAN ET AL.

Examiner

George Eng

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 1-42 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

2. This application contains claims 1-42 are drawn to an invention nonelected without traverse in Paper No. 5. A complete reply to the rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Information Disclosure Statement

3. The information disclosure statement filed 11/5/2002(paper no. 3) has been considered.

Claim Rejections - 35 USC § 112

4. Claims 43-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 43, the sub-label letters of the method steps, “a” through “i”, are not in sequence such that letters “b” and “f” are missing. Thus, it is unclearly whether there are missing steps or not.

Art Unit: 2643

Claims 44-51 are also rejected because of depending on claim 43 containing the same deficiency.

Regarding claims 44 and 48, the term “any” render the claim vague and indefinite because the term does not positively identify the claimed limitation.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 43-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bro (US PAT. 6,249,809) in view of Trusheim et al. (US PAT. 6,385,589 hereinafter Trusheim).

Regarding claim 43, Bro discloses an interactive system for providing one or more individuals information to a health care worker (abstract) comprising the steps of providing the health care worker with a user device (i.e., 26, 52, 60, 68 or 68), the user device being communicatively linked to a system, i.e., remote central server, via a device adapter (i.e., 72 or 80) by a management surface interface, the system comprising applicants for controlling one or more electronic tools within the system in order to perform a desired information and one or more information source, i.e., database, for processing and storing medical information, connecting the health care worker to the remote central server by the device adapter, providing the health worker with one or more requests, i.e., menus, for medical information by sending the

Art Unit: 2643

requests to the user device through an interactive message interface, entering the requested information by the health care worker in a way of the user device communicatively linked to the device adapter, forwarding the requested information a reporting tool for processing and transferring from the reporting tool to the information source (figures 5A-5B, col. 3 line 10 through col. 5 line 41 and col. 7 line 40 through col. 10 line 55). Bro differs from the claimed invention in not specifically teaching the system comprising the reporting tool for processing the request medical information in a predetermined formatted and processing the requested information in the desired format. However, Trusheim teaches a system for managing the health care information comprising a translator for translating source data files in a predetermined format and passing the processed information to a database so that the system is flexible and tolerant of change of information flow (col. 8 lines 1-62 and col. 9 line 56 through col. 10 line 15). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Bro in for processing the request medical information in a predetermined formatted and processing the requested information in the desired format, as per teaching of Trusheim, because it makes flexible and tolerant of change of information flow to the system.

Regarding claim 44, Trusheim teaches to provide a communication tool a programmed to authorize access into the system for retrieving messages from the system to the health care worker if messages are existed in the system (col. 15 line 38 through col. 16 line 16).

Regarding claim 45, Bro teaches to provide a security tool to authorize the access into the system comprising the steps of presenting a menu to input a PIN or pre-assigned password by the

Art Unit: 2643

way of the user device, and providing access to the system when the password is determined to be authentic by the security tool (col. 8 line 66 through col. 9 line 4).

Regarding claims 46, Trusheim teaches to provide a survey tool for composing a medical survey to be forwarded to other health care workers having means to access the system for forwarding the medical survey to the user device (col. 3 lines 18-20 and col. 5 lines 21-32).

Regarding claim 47, Trusheim teaches to provide a notification tool programmed to provide a predetermined notification function upon receiving a designated type of medical information pertaining to the condition of the one of more individuals and delivering the designated information from the notification tool to a predetermined recipient when the processed information contains designated information (col. 3 lines 30-55).

Regarding claim 48, Bro teaches to provide a scheduling tool to forward a predetermined message to the user device on a pre-selected date (col. 9 lines 33-40).

Regarding claim 49, Bro teaches to provide a forecasting tool to obtain a second set of medical information from the health care worker and delivering the second set of information to the user device when the second set of medical information contain the designated medical information regarding the condition of one or more individuals (col. 8 lines 57-65).

Regarding claim 50, Bro teaches to provide a telemetry tool for collecting geographical data pertaining the location of the user device as the user device accesses the system and storing the geographical data in one or more information sources (col. 8 lines 12-14).

Regarding claim 51, Bro teaches the user device comprising a telephone (26) having a numbered key-pad (figure 5A).

Art Unit: 2643

Regarding claim 52, the limitations of the claim are rejected as the same reasons as set forth in claim 43.

Regarding claim 53, Bro teaches the system further comprising memory means to record anatomical measurement for the individual (col. 6 lines 6-14).

Regarding claim 54, Trusheim teaches an analysis means for retrieving recorded anatomical measurement for comparison (col. 23 lines 36-52).

Regarding claim 55, Trusheim discloses to perform a categorizing function with respect to the information on the individual represented in at least one database, wherein the categorizing function categorizes the information based on the individual's sex, age, geographic location, etc. (figures 20-23).

7. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Trusheim et al. (US PAT. 6,385,589 hereinafter Trusheim).

Regarding claim 56, Trusheim discloses a method for managing information comprising the steps of providing a medical survey to one or more health care workers, presenting the survey by a way of a presenting interface being communicatively linked to a device adapter to a system through an information bus (34), and forwarding the survey to one or more health workers (figure 3, col. 7 line 52 through col. 8 line 67 and col. 20 lines 15-63). In addition, Trusheim also teaches to provide a telemetry tool for identifying the location of one or more health care workers, for displaying the location(s) and for acquiring a medical report by clicking a particular icon on a display (figures 33-34, col. 22 lines 41-53 and col. 24 lines 8-52). Although Trusheim does not specifically teaching to create a map for identifying the location, it is notoriously well

Art Unit: 2643

known in the art of programming graphic user interface, i.e., creating locations as map format, in order to make user friendly. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Trusheim in displaying the map for identifying the location of the one or more health care workers instead of display text information in order to make user friendly.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kraftson et al. (US PAT. 6,151,581) discloses a method of collecting and populating a database with patient data for processing (abstract).

Swor (US PAT. 6,148,297) discloses an interactive method for tracking health care information and data (col. 3 line 61 through col.7 line 2).

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

Art Unit: 2643

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

A handwritten signature in black ink that reads "George Eng". The signature is written in a cursive, slightly slanted style.

George Eng

Examiner

Art Unit 2643